

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

----- X
STICHTING PENSIOENFONDS ABP,

Plaintiff,

-against-

WACHOVIA CORPORATION, WELLS FARGO &
COMPANY, G. KENNEDY THOMPSON,
THOMAS J. WURTZ, DONALD K. TRUSLOW,
LANTY L. SMITH, and ROBERT K. STEEL,

Defendants.
----- X

:
:
: Master File No.
: 09-CV-4473 (RJS)

:
: ECF CASE

:
: **DEFENDANTS' NOTICE OF**
: **MOTIONS TO DISMISS**

PLEASE TAKE NOTICE that upon (i) the accompanying Declaration of John W. Brewer, dated November 3, 2009, the exhibits attached thereto, (ii) the Memorandum of Law in Support of Defendants' Motions to Dismiss, and (iii) all prior pleadings and proceedings had herein, Wachovia Corporation, Wells Fargo & Company, G. Kennedy Thompson, Thomas J. Wurtz, Donald K. Truslow, Lanty L. Smith, and Robert K. Steel, (collectively, the "Defendants") will move this Court, before the Honorable Richard J. Sullivan, United States District Judge, in Courtroom 21C, Daniel Patrick Moynihan United States Courthouse, 500 Pearl Street, New York, New York, on a date and at a time designated by the Court, for an Order granting

Defendants' Motions to Dismiss, and granting such other and further relief as the Court deems just and proper.

Dated: New York, New York
November 3, 2009

FRIED, FRANK, HARRIS, SHRIVER
& JACOBSON LLP

By: /s/ Douglas H. Flaum
Douglas H. Flaum (douglas.flaum@friedfrank.com)
Israel David
John W. Brewer
Eric A. Hirsch

One New York Plaza
New York, New York 10004-1980
Telephone: (212) 859-8000
Facsimile: (212) 859-4000

Attorneys for Defendants